

**REMARKS**

This paper is being filed in response to the Advisory Action dated October 14, 2003 and the Office Action dated March 20, 2003 that were issued in connection with the above-identified patent application. Applicants respectfully request continued examination of the instant application pursuant to 35 U.S.C. §132(a) and 37 C.F.R. §1.114(a)(2) and enclose herewith the fee required pursuant to 37 C.F.R. §1.17(e). Applicants respectfully request entry and consideration of the amendments and remarks made in Applicant's Request for Reconsideration with Amendments filed on September 22, 2003. Applicants also respectfully request reconsideration of the instant application in view of the amendments and remarks presented herein.

Applicants filed a Request for Reconsideration with Amendments on September 22, 2003. The Examiner has not entered Applicants amendments and remarks contained therein. According to the Examiner, Applicant's amendments allegedly raise new issues, allegedly introduce new matter, and allegedly fail to place the application in better form for appeal. Specifically, the Examiner has alleged that Applicant's amendment to claim 9 replacing the phrase "another ... protein ... protein fragment" with the phrase "a second ... protein or a fragment of said second protein" changes the scope of the claim, requiring further consideration, and introduces new matter under 35 U.S.C. § 112, first paragraph.

Applicants traverse these allegations and respectfully assert that this amendment is fully supported by the specification as filed and, therefore, does not constitute new matter. Applicants respectfully invite the Examiner's attention to the specification as filed at page 2, lines 25-28 which states, "The antigenic protein, or fragments thereof, of the present invention can be provided alone, as a purified or isolated preparation, or as part of a mixture with other P.

*aeruginosa* antigenic proteins." (emphasis added). In addition, Applicants respectfully invite the Examiner's attention to the specification as filed at page 2, lines 34-36 which states, "In one embodiment the composition comprises one or more **additional *P. aeruginosa* antigens.**" (emphasis added). Therefore, one of ordinary skill in the art would clearly recognize that the application as filed disclosed the subject matter encompassed by amended claim 9. Applicant's accordingly respectfully request withdrawal of this rejection.

The Examiner has also alleged that Applicant's Supplemental Information Disclosure Statement filed September 22, 2003 fails to comply with the certification requirement imposed by 37 C.F.R. § 1.97. Without acquiescing to the veracity of the Examiner's allegation, Applicants observe that this objection is moot in view of the instant Request for Continued Examination. See 37 C.F.R. § 1.97(b)(4).


The Examiner has further alleged that Applicant's specification at pages 2 and 7 does not comply with the sequence listing provisions of 1.37 C.F.R. §§ 1.821 to 1.825. Applicants have amended herein the specification at pages 2 and 7 to recite SEQ ID NOs.

### **Conclusion**

In summary, Applicants assert that the claims are in condition for allowance and the specification complies with formal requirements. Therefore, Applicants respectfully request prompt favorable action.

Attorneys for Applicants hereby authorize the Commissioner to charge the fees required under 37 C.F.R. §§ 1.17(e) to Deposit Account No. 02-4377. No other fee is believed to be required in connection with this submission. Nevertheless, the Commissioner is hereby authorized to charge any other fees occasioned by this submission to Deposit Account No. 02-4377. Please credit any overpayment of fees associated with this filing to the above-identified deposit account. A duplicate of this page is enclosed.

Respectfully submitted,  
BAKER BOTTS, L.L.P.

A handwritten signature in black ink, appearing to be 'R. Seide', written over a horizontal line.

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